

Biographies for the Civil Justice Task Force Meeting

Washington, DC
Friday, December 2, 2016

Brian Kelsey, State Senator, Tennessee

Brian Kelsey serves as state Senator for Cordova, East Memphis, and his hometown of Germantown, Tennessee. He is chairman of the Senate Judiciary Committee. He is the first legislator in Tennessee history to sponsor two successful amendments to the state constitution: one forever prohibited a state income tax, and the other followed a Founding Fathers model for selecting appellate judges. He also sponsored the governor's comprehensive tort reform act in 2011.

In 2014 Senator Kelsey passed a law to prohibit ObamaCare Medicaid expansion in Tennessee. He has passed a school voucher bill through the Senate that he hopes will pass in the House this year. In addition to chairing the Judiciary Committee, Senator Kelsey also serves on the Senate Education Committee. He is currently serving in his 6th year as a state Senator.

Prior to his service in the Senate, he served 5 years as a state representative. In the House he served as Republican Floor Leader and as Judiciary Civil Practice Subcommittee Chairman. Senator Kelsey is a probate and civil litigation attorney with the Kelsey Firm.

Mark Behrens, Partner Attorney, Shook, Hardy & Bacon LLP

Mark Behrens is a partner in the Washington, D.C. office of the Kansas City-based law firm of Shook, Hardy & Bacon L.L.P. and co-chairs its Public Policy Group. For over two decades, Mark has been extensively involved in liability law, defense litigation, civil justice reform, and counseling in the prevention of liability exposure.

Mr. Behrens has authored or co-authored over 150 amicus briefs on behalf of national and state business and civil justice organizations in cases before the United States Supreme Court, seven different federal appellate courts, thirty-one different state courts of last resort, and eight different state appellate courts. He has testified before the U.S. Congress and various state legislators.

A frequent point of interest to the media, Mr. Behrens has been quoted in *The Washington Post*, *The Wall Street Journal*, *The New York Times*, and *the National Law Journal*. He has published over fifty scholarly articles in prominent national journals and law reviews, including the *Harvard Journal on Legislation*, *Cornell Journal of Law and Public Policy*, and *Texas Review of Law & Politics*. Mr. Behrens has made numerous appearances on both radio and television, including CNBC, MSNBC, Bloomberg, and CNN.

Mr. Behrens has been listed as one of Washington D.C.'s "Top Lawyers" by *Washingtonian* magazine, and as a leading product liability defense attorney by *Who's Who Legal: The International Who's Who of Business Lawyers*. He is a Martindale-Hubbell AV Preeminent Peer Review Rated attorney and holds the highest Avvo rating. In October 2015, Mr. Behrens received the U.S. Chamber Institute for Legal Reform's Individual Achievement Award. Additionally, Mr. Behrens received the Burton Award for Legal Achievement, along with an award from several national organizations for major research contributing to civil justice issues.

Mr. Behrens serves as counsel to the Coalition for Litigation Justice; co-counsel to the American Tort Reform Association; chair of the Civil Justice Response Committee of the International Association of Defense Counsel (IADC),

and co-chair of the Tort and Product Liability subcommittee of the Federalist Society's Litigation Practice Group. He is a member of the American Law Institute (ALI) and serves as an Adviser to the ALI's Restatement third, Torts: International Torts to Persons project.

Mr. Behrens is an active member of the U.S. Chamber Litigation Center's State Litigation Advisory Committee, Washington legal Foundation's Legal Policy Board, and the NFIB Small Business Legal Center's Advisory Council, Inc. (PLAC), Lawyers' for Civil Justice, The American Law Institute (ALI) and the Lawyers Committee of National Center for State Courts.

In the fall of 2010, Mr. Behrens taught Advanced Torts as a Distinguished Visiting Practitioner in Residence at Pepperdine University School of Law in California. He has also served on the adjunct faculty of the American University's Washington College of Law.

Mark Behrens received his J.D. from Vanderbilt University Law School, where he was active in the *Vanderbilt Law Review* and received an American Jurisprudence Award for achievement in tort law. Prior his legal focus, Mr. Behrens received his B.A. in Economics from the University of Wisconsin-Madison.

Matt Fullenbaum, Director of Legislation, American Tort Reform Association

Matt has served as Director of Legislation for the American Tort Reform Association for over a decade, where he oversees state and federal legislative research and advocacy on lawsuit reform. Before joining ATRA, he worked for the Intermodal Association of North America (IANA) where he served as membership manager. Prior to joining IANA, he held positions in the economics and membership departments at the International Dairy Foods Association. Matt earned a Bachelor of Arts degree from The George Washington University.

Brad Smith, Professor of Law, Capitol University Law School

Bradley A. Smith holds the Josiah H. Blackmore II/Shirley M. Nault Professor of Law position at Capital University Law School. He is one of the nation's leading authorities on election law and campaign finance, and co-author of "Voting Rights and Election Law," a leading casebook in the field. In 2010 he received the Bradley Prize from the Bradley Foundation of Milwaukee, Wisconsin, awarded annually "to recognize individuals of extraordinary talent and dedication who have made contributions of excellence defending the institutions of free, representative government and private enterprise."

In 2000, he was nominated by President Clinton to fill a Republican-designated seat on the Federal Election Commission, where he served for five years, including as Chairman of the Commission in 2004. He has appeared as a guest on all major TV networks, including programs such as The O'Reilly Factor, Hardball with Chris Matthews, Hannity & Colmes, and many others. His 2001 book, "Unfree Speech: The Folly of Campaign Finance Reform" was praised by columnist George Will as "the year's most important book on governance." He has published widely with popular publications such as the Wall Street Journal, the New York Times, the Los Angeles Times, the Washington Post, the Atlantic, and National Review, and his scholarly work has appeared in the Yale Law Journal, the University of Pennsylvania Law Review, the Georgetown Law Journal, the Harvard Journal of Legislation, the Harvard Business Law Review, the George Washington Law Review, the Stanford Law and Policy Review, and many other academic journals.

Professor Smith has been on the Capital University Law School faculty since 1993. From 2013-15 he held the Visiting Judge John T. Copenhaver Chair of Law at West Virginia University, and has also taught at George Mason University in Virginia. Professor Smith earned his B.A. from Kalamazoo College and his J.D. from Harvard Law School, and holds an honorary doctorate from Augustana College.

Victor Schwartz, Chair, Shook Public Policy Practice, Hardy & Bacon

Victor Schwartz chairs the Shock Hardy & Bacon's Public Policy Group, which focuses on integrating litigation, government affairs and public relations. The group seeks to be the vanguard of developing public policy issues that will help improve our civil justice system. Mr. Schwartz also has an active appellate practice and advises product manufacturers on liability prevention, litigation and public relations issues.

Sought by print and broadcast media, Mr. Schwartz is frequently quoted in *The Wall Street Journal*, *The Washington Post* and *The New York Times*. He has appeared on Oprah, 60 Minutes and leading news programs. *The Legal Times of Washington* has named Mr. Schwartz one of Washington's Top 30 "Visionary" lawyers, and *The National Law Journal* named Mr. Schwartz one of the 100 most influential lawyers in the United States in March 2013.

Mr. Schwartz is on the Board of Directors of the Searle Civil Justice Institute at George Mason University School of Law. He is a frequent participant in judicial education programs. Mr. Schwartz serves as General Counsel to the American Tort Reform Association.

Prior to entering the full time practice of law, Mr. Schwartz was a professor and dean at the University of Cincinnati College of Law. He currently serves on the College's Board of Visitors. In 2012, the College established the Professor Victor E. Schwartz Chair in Tort Law.

Mr. Schwartz, while at the U.S. Department of Commerce, served as chair of the Federal Inter-Agency Task Force on Product Liability, and the Federal Inter-Agency Council on Insurance. He was the principal author of the Uniform Product Liability Act and the Federal Risk Retention Act. He received the Secretary of Commerce's Award for Professional Excellence.

Mr. Schwartz is co-author of the most widely used torts casebook in the United States, *Prosser, Wade and Schwartz's Torts* (12th ed. 2010). He is author of the leading text *Comparative Negligence* (5th ed. 2010).

Mr. Schwartz has been an advisor for each of the American Law Institute's (ALI) *Restatement (Third) of Torts* projects; Products Liability, Apportionment of Liability, and Liability for Physical Injury and Emotional Harm. He is a life member of the ALI.

Mr. Schwartz's law review articles have analyzed almost every major subject of modern tort and civil justice public policy issues. His articles are frequently cited by both state and federal courts.

Chris Appel, Associate, Shook, Hardy & Bacon

Chris' public policy work focuses on tort law and civil justice system reform. His work is generally divided among legislative efforts, appellate litigation and academic writing. Chris has drafted model legislation to be introduced on the state and federal level, authored amicus briefs to state supreme courts and federal appellate courts, including the U.S. Supreme Court, and published in many legal periodicals and law reviews, including the *Harvard Journal of Law and Public Policy*. He has also testified before state legislatures on civil justice reform initiatives and presented at numerous law schools and legal conferences. In addition, Chris has assisted in the development of several Restatement and Principles projects of the American Law Institute addressing civil liability issues.

Rusty Silverstein, President and Founder, X-Ante

Founder of X Ante, Rusty Silverstein manages the leading source for actionable intelligence on mass tort litigation advertising. The firm provides detailed data and analysis of mass tort advertising to Fortune 500 pharmaceutical and



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medical device companies, attorneys at top law firms, research firms, life sciences insurers, and communications firms.

Rep. Kevin Corlew, State Representative, Missouri

Rep. Kevin Corlew of Kansas City, Missouri, was first elected to the Missouri General Assembly in 2014 and serves on the following committees in the Missouri House: Economic Development and Business Attraction & Retention (Vice Chair); Select Committee on Judiciary; Civil and Criminal Proceedings; Energy and the Environment; and Interim Ports Development and Improvement.

As Of Counsel at the Kansas City offices of Shook, Hardy & Bacon, Kevin represents business clients in a variety of commercial, tort and environmental matters in federal and state courts and before regulatory agencies. Kevin is experienced in complex, high-stakes litigation, including class actions and multiparty and multidistrict litigation. Kevin has considerable experience in all stages of litigation.

Kevin grew up in the Midwest. His family taught him the values of integrity and hard work. One grandfather was a union worker in a meatpacking plant, and the other was a roofer, who eventually ran his own roofing company. Kevin's parents (his father a minister, and his mother a nurse) taught him honesty, to treat people with respect and kindness, and to work hard to achieve success -- principles Kevin carries with him to this day. Kevin worked his way through college, attending Wheaton College and graduating with honors from Columbia College-Chicago. He then worked for 7 years as the director of the Live 2 Win youth ministry, inspiring teenagers to reach their full potential.

Interested in legal matters, and hoping that he might one day be able to serve his community, Kevin pursued legal studies at the University of Nebraska College of Law. During law school, Kevin participated in a competition showcasing his ability to address people's needs and was selected to represent the United States in an international client counseling competition. He also was an editor of the Nebraska Law Review and graduated with honors based on his academic achievements and advocacy efforts. After law school, Kevin had the honor of being selected to clerk for a judge of the Nebraska Supreme Court.

Recognizing the need to give back to the community, Kevin has provided pro bono legal representation to numerous clients, including not-for-profit organizations as well as juveniles and parents in family court. Kevin and his family are also active in their local church.

Richard M. AuBuchon, AuBuchon Law Firm, LLC

Rich AuBuchon specializes in business advocacy within all forums of Missouri state government. As a lawyer and lobbyist, Rich represents numerous clients in court, before the Missouri legislature and within state and local administrative agencies.

Rich's experience includes:

- General Counsel and Governmental Affairs for the Missouri Chamber of Commerce & Industry, Inc.;
- Chief of Staff to Missouri Lt. Governor Peter D. Kinder;
- Senior Staff to Missouri Governor Matt Blunt;
- Deputy Commissioner and Chief Counsel for the Missouri Office of Administration;
- Environmental Defense and litigation including state and federal laws on permits for air, water, solid waste, mining and land use;
- Lawyer and Lobbyist as Counsel with Polsinelli, PC.

AuBuchon has experience in the areas of:

- State budgets;
- Appellate and trial court representation in Missouri courts;
- State and federal environmental law including, air, water, solid waste, mining and hazardous waste;
- Insurance defense;
- Employment law;
- State and local procurement law;
- Compliance with Missouri Campaign Finance and Ethics Laws; and
- Crisis Communications.

Paul Taylor, *Chief Counsel, Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, US House of Representatives*

Paul Taylor is the Chief Counsel of the House Subcommittee on the Constitution and Civil Justice, which has jurisdiction over legal reform, the civil rights laws, and constitutional issues, among other things. Mr. Taylor is a 1991 graduate of Yale College, summa cum laude, and a 1994 graduate of The Harvard Law School, cum laude. He has published over a dozen law review articles on legal reform, constitutional issues, and national security, and is a contributor to The Heritage Guide to the Constitution.

Robert S. Adler, *Consumer Product Safety Commission*

Robert S. Adler is a Commissioner at the U. S. Consumer Product Safety Commission (CPSC). He began serving as a Commissioner August 18, 2009. He was renominated by President Obama on May 14, 2014 and confirmed by the senate on December 2, 2014. His term runs through October 2021.

Prior to his appointment, he served on the Obama Transition Team and co-authored a report on the CPSC for the Obama administration.

Prior to assuming office, Adler served as a professor of Legal Studies at the University of North Carolina as the Luther Hodges Jr., Scholar in Ethics and Law at Chapel Hill's Kenan-Flagler Business School. At the University of North Carolina, he served as the Associate Dean of the MBA Program and as Associate Dean for the School's Bachelor of Science in Business Administration Program. As a professor, he taught courses in business law, business ethics, business-government relations and negotiation. Robert S. Adler won a university-wide teaching award, the Tanner Award, in 1996 and the undergraduate program's Distinguished Teaching Award in 1990. In 2004, he received the Gerald Barrett Faculty Award for outstanding teaching and service to the MBA Program.

Karen Harned, *National Federation of Independent Businesses*

Karen Harned is the Executive Director of the National Federation of Independent Business Small Business Legal Center, a post she has held since April 2002. Prior to joining the Legal Center, Ms. Harned was an attorney at a Washington, D.C. law firm specializing in food and drug law, where she represented several small and large businesses and their respective trade associations before Congress and federal agencies. She also served as Assistant Press Secretary to U.S. Senator Don Nickles of Oklahoma from August of 1989 to March of 1993. Ms. Harned received



her B.A. from the University of Oklahoma in 1989 and her J.D. from The George Washington University National Law Center in 1995. She is admitted to practice in the District of Columbia.

As Executive Director of the NFIB Small Business Legal Center, Ms. Harned comments regularly on small business cases before federal and state courts, as well as the U.S. Supreme Court. She has appeared on Fox News, Fox Business, NBC Nightly News, CNN, CNBC and MSNBC, as well as National Public Radio, CBS Radio, and radio outlets across the country. Her opinion editorials and articles regarding healthcare, lawsuit abuse, regulation, and other issues important to small business have been published in newspapers and other publications nationwide.

Ms. Harned has testified before Congress on the small business impact of regulation and the civil justice system. Additionally, she has conducted numerous webinars and legal compliance seminars for small business owners across the country on issues relating to employment law, including unionization and immigration.

Mark Chenoweth, General Counsel, Washington Legal Foundation

Previous to joining WLF, Mark Chenoweth was formerly Chief of Staff to Congressman Mike Pompeo, Legal Counsel to Commissioner Anne Northup at the U.S. Consumer Product Safety Commission, and an Attorney Advisor in the Office of Legal Policy at the U.S. Department of Justice. Chenoweth also has served as in-house counsel for one of the largest privately held companies in the United States and as a regulatory associate in the D.C. office of Wilmer, Cutler & Pickering. Chenoweth is graduate of Yale University and the University of Chicago Law School and has clerked for Judge Danny J. Boggs on the U.S. Court of Appeals for the Sixth Circuit.